

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION

DARRYL BELL,	}	
TDCJ-CID NO.611583,	}	
Petitioner,	}	
v.	}	CIVIL ACTION NO. H-09-2435
	}	
NATHANIEL QUARTERMAN,	}	
Respondent.	}	

OPINION ON DISMISSAL

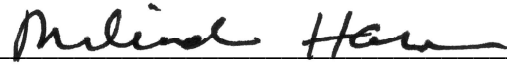
Petitioner Darryl Bell, a state inmate proceeding *pro se*, seeks habeas corpus relief under 28 U.S.C. § 2254, from a conviction for possession of a controlled substance in the 174th District Court of Harris County, Texas in cause number 594353 on July 24, 1991. Petitioner has filed numerous prior federal habeas petitions challenging the same conviction. *See Bell v. Quarterman*, Civil Action No.4:08cv2311 (S.D. Tex. July 30, 2008) (enumerating cases in which petitioner has challenged the same). In each instance, petitioner has been notified that he must show that he has received authorization from the Fifth Circuit Court of Appeals for this Court to consider the petition. *See* 28 U.S.C. § 2244(b)(3)(A). Petitioner does not allege, and the record does not show, that the Fifth Circuit has issued an order authorizing the district court to consider the pending application for habeas relief. Accordingly, this action is DISMISSED without prejudice to petitioner seeking authorization from the court of appeals to proceed in this court on any new claims.

The Court finds that petitioner has not made a substantial showing that reasonable jurists would find the Court's procedural ruling debatable. *See Beazley v. Johnson*, 242 F.3d 248, 263 (5th Cir. 2001); *Hernandez v. Johnson*, 213 F.3d 243, 248 (5th Cir. 2000). For this

reason, the Court finds that a certificate of appealability should not issue in this case. All other motions, if any, are DENIED.

It is so ORDERED.

SIGNED at Houston, Texas, this 1st day of September, 2009.

A handwritten signature in black ink, appearing to read "Melinda Harmon", is written over a horizontal line.

MELINDA HARMON
UNITED STATES DISTRICT JUDGE